

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-X-

AMS GROUP LLC,

Plaintiff,

Civil Action No.:  
07 CIV 6988 (LTS)

- against -

JP MORGAN CHASE,

**NOTICE OF MOTION**

(Electronically Filed)

Defendant.

-X-

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Cynthia Boyer Okrent, sworn to the 18th day of January, 2008, the exhibits annexed thereto, and the accompanying Memorandum of Law in support of this motion, and the pleadings herein, defendant, by its attorneys Cullen and Dykman LLP, will move this Court before the Honorable Laura T. Swain, United States District Judge, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the action because the complaint fails to state a claim against defendant upon which relief can be granted, and for such other and further relief as may be just and proper, plus the costs of this motion;

PLEASE TAKE FURTHER NOTICE that defendant hereby requests oral argument; and

PLEASE TAKE FURTHER NOTICE that the undersigned hereby certifies that the following efforts have been made to informally resolve the matters raised in this submission:

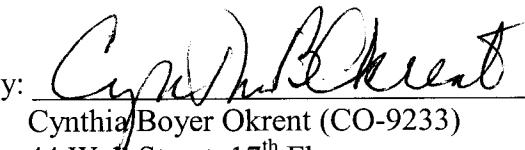
- (a) By letter dated October 2, 2007 to plaintiff's counsel, the undersigned requested that plaintiff consider discontinuing the action on the same grounds raised in defendant's submission; and
- (b) When no response was received, the undersigned called plaintiff's counsel on

October 19, 2007 and was informed by Ms. Piedra, a paralegal, that Marisol De La Mata, plaintiff's attorney, was too busy to speak to the undersigned about the legal and factual issues raised in the October 2, 2007 letter.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: January 18, 2008  
New York, New York

Cullen and Dykman LLP  
Attorneys for Defendant  
JPMorgan Chase Bank, N.A.  
s/h/a JP Morgan Chase

By:   
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